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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,767	10/22/1999	KURUMI MORI	1232-4582	9983

7590

10/28/2003

MORGAN & FINNEGAN LLP
345 PARK AVENUE
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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2612

5

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,767

Applicant(s)

MORI ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 21-40 and 54-66 is/are pending in the application.
- 4a) Of the above claim(s) 14-20, 41-53 and 67-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 21-40 and 54-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species of Figures 19-34C (Group 2) which read on claims 1-13, 21-40 and 54-66 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 14-20, 41-53 and 67-73 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4 filed on August 29, 2003.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13, 21-40 and 54-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuno U.S. Patent 6,567,121.

Referring to claim 1, the Kuno reference discloses in Figures 1, 4 and 7, a method of managing a photographing condition of an image sensing apparatus, comprising: an image

selection step of selecting one of one or more images photographed (selecting image captured between 4:00 Am to 10:00 PM) by the image sensing apparatus (See Col. 3, lines 63-67); a first storage step of storing (storage device 6) the image selected in said image step and a photographing condition (such as angle information, pan , tilt angles, zoom value and time information) in photographing the image, in association with each other (See Col. 3, lines 58-62 and Col. 4, lines 38-40).

Referring to claim 2, the Kuno reference discloses an input step of inputting a photographing status (client registration information) of the image selected in said image selection step; and a second storage step of storing the photographing status input in said input step in association with the selected image (the image data are stored in units of clients on the basis of client registration information, See Col. 4, lines 63-64).

Referring to claim 3, the Kuno reference discloses a reception step of receiving one or more images and a photographing condition in photographing each image from the image sensing apparatus, wherein said image selection step comprises selecting one image from images received in said reception step (only one of 15 frames may be stored, see Col 4, lines 46-51).

Referring to claim 4, the Kuno reference discloses wherein said first storage step comprises storing the image and photographing condition in memory (storage device 6) of a control apparatus (sever 1102 in Figure 12) of the image sensing apparatus.

Referring to claim 5, the Kuno reference discloses wherein said first storage step comprises storing the image and photographing condition in an external storage medium (external storage device 6, see Col. 3, lines 19-24).

Referring to claim 6, the Kuno reference discloses wherein said second storage step comprises storing the photographing status (client registration information) in memory of a control apparatus of the image sensing apparatus (storage device 6, see Col. 4, lines 58-65).

Referring to claim 7, the Kuno reference discloses wherein said second storage step comprises storing the photographing status in an external storage medium (external storage device 6).

Referring to claim 8, the Kuno reference discloses a condition selection (clicking search button 79) step of selecting a desired photographing condition from photographing conditions that are stored in association with respective images in said first storage step; and a transfer step of transferring the photographing condition selected in said condition selection step to the image sensing apparatus (See Col. 5, lines 60-67 and Col. 6, lines 1-9).

Referring to claim 9, the Kuno reference discloses wherein said condition selection step comprises selecting a photographing condition by designating a desired image (the image match condition, see Col. 14-19).

Referring to claim 10, the Kuno reference discloses wherein said condition selection step comprises selecting a photographing condition by designating values of some of a plurality of setting items (such as time, pan and tilt angle, zoom and time range) of the photographing condition.

Referring to claim 11, the Kuno reference discloses a partial selection step of selecting some of a plurality of setting items of the photographing condition selected in the condition selection step, wherein said transfer step comprises transferring only the photographing condition setting items selected in said partial selection step (for example, only pan angle of

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50 and tile angle of 20 within a 2-hour range from 13:00, Oct. 23, 1996 were selected, see Col. 6, lines 1-3).

Referring to claim 12, the Kuno reference discloses all subject matter as discussed with respect to same comment as with claim 8.

Referring to claim 13, the Kuno reference discloses wherein said condition selection step comprises selecting a step comprises selecting a photographing condition (such as angle information, pan, tilt angles, zoom value and time information) by designating a photographing status (client registration information and access right).

Referring to claim 21, the Kuno reference discloses all subject matter as discussed with respect to same comment as with claim 1.

Referring to claim 22, the Kuno reference discloses all subject matter as discussed with respect to same comment as with claim 2.

Referring to claim 23, the Kuno reference discloses storage means stores the image and photographing condition in internal memory (RAM 4 in Figure 1 and RAM 13 in Figure 6).

Referring to claim 24, the Kuno reference discloses all subject matter as discussed with respect to same comment as with claim 5.

Referring to claim 25, the Kuno reference discloses all subject matter as discussed with respect to same comment as with claim 8.

Referring to claim 26, the Kuno reference discloses all subject matter as discussed with respect to same comment as with claim 9.

Referring to claim 27, the Kuno reference discloses all subject matter as discussed with respect to same comment as with claim 10.

Referring to claim 28, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 29, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 30, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 13.

Referring to claim 31, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 1.

Referring to claim 32, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 2.

Referring to claim 33, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 23.

Referring to claim 34, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 5.

Referring to claim 35, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 36, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 9.

Referring to claim 37, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 10.

Referring to claim 38, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 39, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 40, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 13.

Referring to claim 54, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 1.

Referring to claim 55, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 2.

Referring to claim 56, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 3.

Referring to claim 57, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 4.

Referring to claim 58, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 5.

Referring to claim 59, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 6.

Referring to claim 60, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 7.

Referring to claim 61, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 8.

Referring to claim 62, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 9.

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Referring to claim 63, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 10.

Referring to claim 64, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 11.

Referring to claim 65, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 12.

Referring to claim 66, the Kuno reference discloses all subject matter as discussed with respected to same comment as with claim 13.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Jekins et al. US. Patent 6,597,392 reference discloses in figures 1-3, an apparatus for multi-media data organization and transmission.
 - b. Endsley et al. U.S. Patent 6,005,613 reference discloses a digital camera which captures images and transfers the captured images to a host computer.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks


Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.


TUAN HO
PRIMARY EXAMINER

Lin Ye
October 6, 2003